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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,081	02/01/2001	Christian Leo Marie Vermote	CM1883/MH	8459

27752 7590 03/13/2003

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EXAMINER

EINSMANN, MARGARET V

ART UNIT

PAPER NUMBER

1751

8

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/762,081	VERMOTE, CHRISTIAN LEO MARIE
Examiner	Art Unit	
Margaret Einsmann	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,13-20 and 24-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1,13-20 and 24-26 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.<br> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.<br> | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,13-20, 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregorian et al., US 4,347,145. Gregorian et al disclose fabric treatment compositions comprising dye fixatives and magnesium chloride

Example 2 in col 8 lines 33 et seq. discloses a composition comprising 26.1% modified glyoxal resin as claimed in claim 14 and 1% magnesium chloride as claimed in claims 20-23.

Example 1 in col 7 lines 57 et seq. discloses as dye fixative a formaldehyde dicyandiamide condensate as claimed in claim 15.

Example 5 in column 9 lines 40 et seq. also discloses a formaldehyde condensate and magnesium chloride.

Example 7 discloses Sandofix WE and magnesium chloride.

Regarding the limitations of claims 25-26, line 35 of column 9 states that the fabric had good crocking properties. Additionally, since patentee is using a dye fixative, he is solving the same problem as applicant.

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This rejection is maintained as set forth in the office action of 7/25/02. Applicant has amended claim 1 so that the composition comprises about 2% to about 90% by weight of a divalent metal salt. Note examples 5 and 7 wherein the amount of magnesium chloride is about 2%, 9 parts of a 21% solids solution.

The rejection of claims 1,2, 13,16-18, 21, 25-27 under 35 U.S.C. 102(a) as being anticipated by Masschelein et al., EP 811,680 is withdrawn due to applicant's amendment limiting the percentage of divalent salt to about 2% to about 90%.

The rejection of claims 1,2,13,16-18,21,25-27 under 35 U.S.C. 102(b) as being anticipated by Baker et al., WO 97/46650 is withdrawn due to applicant's amendment limiting the percentage of divalent salt to about 2% to about 90%.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The rejection of claims 14, 19, 20, 22-24 under 35 U.S.C. 103(a) as being unpatentable over Baker et al. is withdrawn due to applicant's amendment limiting the percentage of divalent salt to about 2% to about 90% and cancellation of claims 21-23.

The following new grounds of rejection are applied due to applicant's amendment.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 cannot be examined because it is dependent on a canceled claim.

Claims 1,13,14,18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Christie et al., US 4,605,418.

Example VII in columns 13 and 14 anticipates these claims wherein a composition comprising a glyoxal resin and magnesium chloride is applied in a process of improving crockfastness of dyeings. Noting Table II in column 14, #14 contains 150 g/l (15% glyoxal resin) and 3.8% magnesium chloride; the remaining examples contain 9% glyoxal resin and 2.3% magnesium chloride.

Claims 1, 13-20, 25 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by North, US 4,345,063.

Compositions containing 15 parts of a glyoxal containing finishing agent or 15 parts of a formaldehyde-amine containing product were combined with 4.5 parts of a magnesium chloride catalyst (catalyst 531) and applied to cotton. The process was part of a domestic process (note AHL= automatic home launderings), wherein rinsing took place. See column 4 from line 16 to line 57.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-308-3826. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*Margaret Einsmann*  
Margaret Einsmann  
Primary Examiner  
Art Unit 1751

March 10, 2003